



राजपत्र, हिमाचल प्रदेश

असाधारण

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, २० जुलाई, १९७४/२९ आषाढ़, १८९६

GOVERNMENT OF HIMACHAL PRADESH

REVENUE DEPARTMENT

NOTIFICATION

Simla-2, the 2nd April, 1974

No. 10-7/74-Rev. A.—In exercise of the powers conferred by sub-section (2) of section 15 of the Himachal Pradesh Ceiling on Land Holdings Act, 1972 (Act No. 19 of 1973), the Governor of Himachal Pradesh is pleased to make the following scheme, namely:—

1. (1) This scheme may be called the Himachal Pradesh Utilization of Surplus Area Scheme, 1974.

Short title
and com-
mencement.

(2). It shall come into force at once.

2. In this scheme, unless the context otherwise requires,—

Definitions

(a) “act” means the Himachal Pradesh Ceiling on Land Holdings Act, 1972 (Act No. 19 of 1973);

- (b) "allottee" means a person who is allotted or is deemed to have been allotted land under this scheme;
- (c) "eligible person" means a person who is eligible for the allotment of surplus Land under section 15 of the Act;
- (d) "form" means a form appended to this scheme;
- (e) "rules" means the Himachal Pradesh Ceiling on Land Holdings Rules, 1973;
- (f) all other words and expressions used herein and not defined in this scheme but defined in the Act or Rules shall have the meanings as are respectively assigned to them in the Act or the Rules, as the case may be.

Application
by eligible
person.

3. An eligible may make an application to the Tehsil Revenue Officer in Form I for allotment of land comprised in the surplus area. Such an application shall be made within three months of the date of commencement of this scheme or within such extended period as may, for reasons to be recorded, be allowed by the Tehsil Revenue Officer.

Power to
proceed
suo-moto.

4. Proceedings for allotment of land comprised in the surplus area may also be initiated *suo-moto* by the Tehsil Revenue Officer.

Procedure
to be observed
by
Tehsil Revenue
Officer.

5. When application is made under paragraph 3 or when the Tehsil Revenue Office *suo-moto* initiates proceedings under paragraph 4, he shall after giving the persons seeking allotment or being considered for allotment, an opportunity of being heard and after making such summary inquiry, as he may consider necessary, prepare a statement for each revenue estate, indicating.—

- (1) Particulars of each eligible person,
- (2) the land, if any, owned or held by each such person,
- (3) the area which can be allotted to each such person under the Act, and
- (4) the revenue estate or estates for which such person indicates preference for allotment of land, in case no area is available for allotment in the revenue estate, where he resides.

Procedure
for allot-
ment of
surplus area.

6. (a) After the procedure prescribed in paragraph 5 has been followed, the Tehsil Revenue Officer shall prepare a list of all eligible person for each revenue estate in such a manner that the members of Scheduled Castes and Scheduled Tribes be placed at the top and the persons who do not own hold any land and the persons who own or hold less than one acre of land are placed, according to the area possessed by each, in an ascending order:

Provided that where more than one person have equal claims, their names in the priority list shall be arranged by drawing of lots by the Tehsil Revenue Officer so that a person, whose lot is drawn first, gets preference over the persons whose lots are drawn subsequently.

(b) The Tehsil Revenue Officer shall also prepare a list of Khasra numbers (with area) of the land comprised in the surplus area available for allotment in a revenue estate mentioning such numbers in the numerical order. Where there are killas and rectangles, the numerical order of the rectangle shall be observed first and then of killas in each rectangle.

(c) The record of each case along with the lists referred in sub-paragraphs (a) and (b), shall be forwarded to the Collector, who shall proceed to allot the surplus area to eligible persons in order of the priority shown in the lists prepared under sub-paragraph (a).

7. If any eligible person cannot be allotted land in the revenue estate in which he resides, the Collector may, having due regard to his preference, allot him surplus area in any revenue estate in which it is available.

Allotment of land to eligible persons in other revenue estates.

In making such allotment, the Collector shall endeavour to allot him land in any other revenue estate nearest to his village of residence, as far as possible, in the following order:—

- (i) in the patwar circle,
- (ii) in the Kanungo circle, if no land is available in the patwar circle,
- (iii) in the tehsil, if no land is available in the Kanungo circle,
- (iv) in the District, if no land is available in the Tehsil,
- (v) in some other district, if no land is available in the district.

(2) If more than one eligible person seek or are being considered for allotment of land in a revenue estate other than the revenue estate in which they reside, the principles mentioned in paragraph 6 shall, as far as possible, apply.

8. This scheme shall not apply to the surplus areas to be demarcated by the Forest Department in consultation with the Revenue Department for efficient management of land.

Surplus area to which scheme not to apply.

9. Each allottee shall be given a certificate in Form II by the Collector. A copy of the certificate shall be sent to the Tehsil Revenue Officer.

Issue of certificate.

10. (1) After making the allotment under paragraph 6 or 7, as the case may be, the Collector shall also pass an order for delivery of possession of the land to the allottee. On receipt of such an order, the landowner or any other person in possession of such land shall deliver possession of the land mentioned in the order to the allottee.

Delivery of possession.

(2) The possession of the land shall be given to the allottee after the crops are harvested.

11. The allotment shall be subject to the following terms and conditions:—

Conditions of allotment.

- (a) the allottee shall be liable to pay all Government dues, including land revenue, rates and cesses, from the date he takes possession of the land;
- (b) the allottee shall be liable to pay for the land an amount as prescribed in section 15 of the Act;
- (c) the allottee shall become full owner of the land allotted to him when all payments due in respect of such land have been made either in lump sum or on payment of first instalment of such dues, as the case may be;

- (d) the allottee shall not transfer his rights in the land allotted to him to any person within a period of 10 years from the date of taking over the possession after allotment:

Provided that the allottee may transfer the land by way of mortgage without possession in favour of a Primary Agricultural Co-operative Credit Societies, Land Mortgage Banks, the State and Central Co-operative Banks and other Nationalised Banks for the purpose of raising loan for development of such land.

Payment of
amount in
instalments.

12. The amount prescribed in section 15 of the Act shall be paid by the allottee in the following manner,—

(1) The amount payable under section 15 of the Act shall, if it is not voluntarily paid in lump sum be paid:—

- (a) where it does not exceed 100 rupees, in four six-monthly instalments,
- (b) where it exceeds 100 rupees but does not exceed 200 rupees in eight six-monthly instalments,
- (c) where it exceeds 200 rupees in twelve six-monthly instalments.

(2) All instalments referred to in sub-paragraph (1) shall be equal in amount upto a rupee, the balance, if any, being payable with the last instalment.

Cancellation
of
allotment
in certain
cases.

13. If an allottee makes any default in the payment of the amount due from him or infringes any of the conditions of allotment, he shall render himself liable to cancellation of the allotment:

Provided that if default is made in paying part of the amount determined under paragraph 12, the Collector may cancel the allotment of an area proportionate to the amount which has remained unpaid.

Manner of
payment of
amount.

14. (i) The amount shall be paid into the Government treasury or sub-treasury by the allottee.

(ii) The Tehsil Revenue Officer shall maintain a ledger account in respect of the amount due from and amount paid by each allottee. He shall also maintain a day book regarding payments received from them. At the end of every month a statement regarding payments received from allottees shall be furnished by the Treasury Officer or Sub-Treasury Officer, as the case may be, to the Tehsil Revenue Officer.

Repeal and
Savings.

15. The Utilization of the Surplus Area Scheme, 1960 framed under section 32 of the Pepsu Tenancy and Agricultural Lands Act, 1955, is hereby repealed:

Provided that anything done or any action taken under the scheme so repealed shall be deemed to have been done or taken under the corresponding provisions of this scheme.

FORM I
(See Paragraph 3)

Name, parentage, village, tehsil and district of the applicant	Khasra No. of land he owns/cultivates with the name of the estate, tehsil and district	Area he wants to be allotted with the name of the estate, tehsil and district	Name of the Scheduled Castes or Scheduled Tribes to which he belongs	Remarks
1	2	3	4	5

I hereby certify that I have known the applicant personally for a period of.....and to the best of my knowledge and belief he belongs to the.....caste which is one of the Scheduled Castes/Scheduled Tribes declared for Himachal Pradesh under the constitution of India.

*Signature of Sarpanch/Lambardar
or any Gazetted Officer or a
Revenue Officer.*

FORM—II
(See Paragraph 8)

Form of Certificate

Certified that....., son of..... resident of.....has been allotted land measuring..... and situated in..... estate..... Tehsil..... District.....under the provision of the Himachal Pradesh Utilization of Surplus Area Scheme, 1974, subject to the terms and conditions specified in that scheme. The amount payable for such allotment has been determined as.....

Collector.

L. HMINGLIANA TOCHHAWNG,
Secretary.

